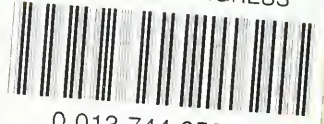


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# SPEECH

OF

## HON. B. F. LOAN, OF MISSOURI,

ON

THE RELATION OF THE REBEL STATES TO THE GOVERNMENT, AND THE DUTY OF THE  
GOVERNMENT IN RE-ESTABLISHING THE UNION;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MARCH 3, 1866.

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## RECONSTRUCTION.

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The House, as in Committee of the Whole on the state of the Union, having under consideration the President's annual message—

Mr. LOAN said:

Mr. SPEAKER: The absorbing question that demands the attention of national authority at this time, relates to national unity. Discord and civil war have divided our unhappy country, and threatened its destruction. Guided by an insane and malignant purpose, eleven States, in violation of all law, formally renounced their allegiance to this Government and organized for themselves separate *de facto* governments, and attempted to achieve their independence by war. After four years of civil war such as no other nation could endure and live, the rebel armies surrendered and the contest upon the battle-field for the dismemberment of the Republic has ceased for the present. The rebels yielded, not because they were willing to surrender the cause for which they fought, not because they repented of their treason, not because they desired to return to their allegiance, but because they were exhausted and overwhelmed by an irresistible force. "Defeated but not conquered, subdued but not subjugated," their determination to destroy this Government and to erect another on its ruins, the chief corner-stone of which is to be African slavery, remains as fixed and steadfast as it was when they embarked in rebellion in 1860-1. The decision of war to which they first appealed having been given against them, they seek to transfer the contest to the Halls of the grand council of the nation, into which their chosen agents are now demanding admission, and where it is hoped, if they can once enter, they can by diplomacy and fraud achieve that success which they failed to secure by force. In relation to this matter our action should be guided by the utmost prudence; we cannot afford to make any blunders. In the physical conflict the disasters resulting from incapacity, cowardice, or

disloyalty, could be repaired. They only incurred the unnecessary waste of treasure and the loss of the lives of a greater, or less number of our patriotic fellow-citizens, who were freely offering themselves as sacrifices upon the altar of their country's safety. But here a mistake would probably prove fatal. We are the chosen few to whom has been confided, under God, the destiny of this great Republic, not for a day, nor for a year, but for all time; and what we do is irrevocable and earns for us an imperishable fame, or damns us to eternal infamy.

If we have the intelligence and manhood to act in the interests of universal liberty and the inalienable rights of man, untold generations will bless our memories for having secured them the liberty they enjoy. But if we suffer ourselves to yield to the seduction of apparent peace, and in our haste to restore the rebels to amicable relations with this Government, we forget the rights of humanity, and ignore justice in reëstablishing the Union of these States, we will only be remembered to be scorned and despised as the betrayers of a sacred trust.

In the contest through which we have just passed more than three hundred thousand of the bravest and the best of our fellow-citizens have willingly laid down their lives, that the Republic might live. We owe it to their memories, to their widowed wives and orphan children, that the fruits of the victories that cost them and us so much should not be carelessly or recklessly thrown away. While our patriot dead have given so much to their country in the discharge of their duties, ought we to hesitate in the discharge of ours, to make any sacrifice that the interest of the country demands? The honors of place, the blandishments of power, the success of this party or of that, sink into utter insignificance in the presence of such important duties as those are which we are now required to perform.

The times demand the highest patriotism, the most utter abnegation of all personal considerations, the greatest intelligence, and the utmost care. Our gallant armies have well and faithfully performed the part required of them, in the contest waged against the nation's life; it remains for us to perform our part with equal ability, and the same fidelity. To do this successfully requires of us a thorough knowledge of "the situation;" and to this end I propose to add, to what has already been so well said, on the condition of affairs, a few suggestions upon some points which, in my opinion, have not been sufficiently elaborated.

It is very desirable that we should ascertain, if possible, the precise relation, in fact, as well as in law, which the revolted States bear to the Government. At a time prior to the rebellion, they were in law, and in fact, States in this Union, with all the rights and privileges, and under all the obligations that pertain to any and all the States in the Union. Afterwards, they formally, as States, renounced their allegiance to this Government, surrendered all their rights and privileges under it, and declared themselves absolved from all obligations to it. They then proceeded to organize independent governments, State and confederate, and entered into compacts with each other for mutual defense and support, and announced their determination to maintain their independence by acts of war. Had our Government acquiesced in what they did, and "accepted the situation" and "let them alone," as they desired we should do, the rebellion they inaugurated would have become a successful revolution. The separation of the rebel States from the nation would have been final and complete, and the confederate government would have been as thoroughly established as was ours when Great Britain accepted the result of the seven years' war of the Revolution. Dismemberment, or war, was the alternative that the action of the rebels offered to the Republic. Hence it appears that the only rights that the Government could assert over that part of the national domain, which was included within the rebel States and over the inhabitants there, were just those that it could acquire by force of arms. The rebels had effected a dissolution of the Union in fact, but not in law.

In this connection it becomes material to inquire whether a dissolution of the union of the States would, as some contend, necessarily destroy the Government. On this point I am inclined to think that many are led into serious error in supposing the phrase "the Union" and "the Government" to be synonymous to express the national authority. Such is not the case. They are very different and distinct things. The Union is subordinate to the Government, and the Government may exist independent of the Union. The union of States in 1800 was not the same union of States that existed in 1820, nor was that the union of

States that existed in 1840. During each period new States were added, but the Government remained the same, only enlarged and increased by its growth as the boy grows into manhood, and yet retaining the same individuality. The Union may be enlarged or diminished. States may be admitted into it or taken out of it, as by the conquest of a foreign Power, by treason or otherwise, without necessarily destroying the Government or our existence as a nation. Consequently when eleven States entered the chaos of rebellion, withdrew their representatives from the Halls of Congress, and inaugurated civil war, the Union of these States was, *de facto*, as much dissolved as it would have been if the rebels had proved victorious in the war and we had acknowledged their independence. Since the revolt of these States they have held no political relations to the Federal Government other than those of rebellious subjects. The Government exists without them. The Executive of the nation administers the law in the appointed forms. The supreme judicial tribunal of the nation holds its regular sessions as prescribed by law, and the Legislature of the nation holds its regular sessions and makes laws for the Republic entirely unaided by any representatives from the revolted States. At the time appointed by law the loyal people elected a President and Vice President for the nation. It having been previously declared by law that participation on the part of the States in rebellion in the formation of the Electoral College was not necessary for a valid election of those officers, and our President to-day holds his office in consequence of an election by a college of electors formed in pursuance of that law. The dissolution of the Union effected by the rebels in 1861 continues to this day. The political relations of those States to the Government have not been restored, and their right to representation in these Halls is not yet recognized. But this dissolution of the Union, however disastrous it may prove to the traitors and rebels who effected it, did not in the least impair the right of the nation to exercise its authority over all its territory and over all its subjects. The thief who steals a horse and runs off with him changes *de facto* the possession of the horse from the owner to the thief, but such change does not impair the owner's right to pursue the thief and recover possession of his property, nor will it avail the thief when tried for the larceny to deny that he stole the horse, because the theft was in violation of law and is therefore a nullity.

Notwithstanding the rebels had effected a dissolution of the Union of the States, the vitality and the energy of the Government remained, and it was the national authority that opposed war to rebellion, not, as has been frequently said, for the maintenance of the Union, not to compel the revolting States to accept and enjoy the

rights and privileges of States in the Union, but for the maintenance of national supremacy and to preserve the integrity of the Republic. National safety imperatively requires us to preserve our national boundaries intact. We could not safely permit a foreign flag to float over the peninsula of Florida nor over the mouth of the Mississippi river—that great outlet to the markets of the world for the inhabitants of those great States that lie in and around the basin of that river. And therefore the nation purchased those provinces with the common treasure for the national benefit, and not for the especial convenience and advantages of the inhabitants thereof. So, when the rebels undertook to divide our territory, change our boundaries, and establish a foreign government on our borders, it was to prevent them from succeeding that induced us to make war upon them, and not a desire to whip them into the Union for their good. After four years of war success crowned our efforts, and the flag of the Republic floats in triumph over every foot of territory that ever belonged to the national domain. Organized rebel armies have all been dispersed, and organized rebel governments have disappeared, it is to be hoped, forever. It would hardly seem possible that any question could arise as to the authority that should control the future political destiny of these rebel districts; but strange as it may appear, it is considered by some whose opinions are entitled to great weight, to be a debatable question whether the subdued rebels or the lawfully constituted legislative authority of the Republic that still holds those districts in the iron grasp of military power, shall determine their relations to and their rights under the Government.

There are those who insist that the relations of the revolted States to the Federal Government are of such a mysterious and wonderful power that they cannot be destroyed; that the Federal Government is powerless to change them; that the war they made upon the Republic had no effect upon them; that the ordinances of secession passed by them and the establishment of a *de facto* rebel government did not in the least impair the rights and privileges of these States as members of the Union. In effect, they maintain the indestructibility of a State which has once been admitted into the Union of States. Once a State always a State is a favorite phrase with such persons. They do not hesitate to tell us that a State in the Union may have a beginning, but that it can never have an end; that its vitality may be impaired, but it cannot be extinguished; that its functions may be suspended, but not destroyed; that its component parts may all be annihilated, yet it will still exist; that all the inhabitants may be hung for treason without working the destruction of the State; all of which I consider to be absurdities so gross and glaring that to attempt a refutation of them would be

to oppose argument against unresisting imbecility.

These same persons also tell us that a State cannot commit or incur any forfeiture; that it is only a corporation, and as such "has nobody to be hung or soul to be damned" for the crimes it commits; that its powers, rights, and privileges are self-existent and indestructible; that they may be held in abeyance, but they are ever ready to be called into action by the loyal people of the State without regard to the smallness of their number, and that they can exercise all the powers and perform all the functions belonging to such States; that, unaided by any other authority or power, they have the right and the ability, at their option, to resume their relations with the Federal Government, even against its consent. All of which all loyal men know to be as false and heretical as were the doctrines of State-rights and the other like fallacies that culminated in rebellion. We know that the States, as such, owe allegiance to the Federal Government as the paramount authority; that as States they are represented in the Senate as the people are in this House of the Congress of the United States. If the States that joined in the rebellion had remained faithful as States in the Union, we know there could have been no organization of the people in the interests of treason; and we also know that they formally, as States, renounced their allegiance to the Federal Government, re-called their Senators from the Congress of the United States, and then entered the portals of organized rebellion and disappeared forever.

On their ruins the traitor inhabitants there erected eleven rebel States and they established a central government, known as the confederate States of America, all of which they claimed to be independent of and entirely disconnected with this Government. They declared that they had severed every tie that bound them to it, and for more than four years waged a war against it which, for gigantic proportions, savage barbarity, and wanton cruelty, has no parallel in modern times. In the progress of this war, to enable us to oppose it successfully, and to maintain our just authority over our national domain, it became necessary to proclaim the freedom of all the slaves in the rebel States and to call large numbers of them into our armies. Finally, we succeeded in dispersing the rebel armies, and the confederate government was dissolved, and the armies of the Republic took possession of and still hold all the rebellious territory. The military authorities deposed the rebel governments found there and established military, or, as they are more popularly known, provisional governments, in their places. On the consummation of these happy results the popular mind greatly rejoiced in the fond belief that the war of the great rebellion was closed and the nation saved; and the people hoped for a speedy return to peace, with

all its attendant joys and blessings. Never was there a greater mistake nor a more delusive hope. Like the spider, whose web is suddenly swept away, the rebel chieftains, shrewd, wily, and irrepressible, on the dispersion of their armies realized the utter and irretrievable failure of their attempt to divide or destroy this Republic by force, and at once comprehended the necessity for changing their plans. Fraud is the inevitable alternative of those who find themselves too weak to succeed by force, and the rebel leaders have transferred the contest which they waged for the division of the Republic from the battle-field to the political arena. There, in the guise of friends, in the name of loyalty, in the avowed cause of peace, harmony, and union, they have assumed to organize in the late rebellious districts civil State governments, and demand for them the recognition of political relations with the Federal Government as States in the Union, their real object and purpose being to secure a position which will enable them to form political combinations by which they can, as formerly, control the policy of the Government, that they may direct it to national destruction; for they have found it to possess a power that they cannot resist, and one that will control them unless they can destroy it.

Recent events give to these demands and purposes a significance and importance which show them to be more dangerous to the safety of the Republic than were the rebel armies in the days of their most brilliant victories. In this hidden danger, which cannot be seen and appreciated as could the rebel hosts in battle array, lies the greatest peril of the Republic. The utmost caution, the highest statesmanship, and the most devoted patriotism are required to guide safely the ship of state through these impending dangers. A mistake here would probably prove fatal. There is no opportunity for experiment; our action in the premises may be final and conclusive. Let us once permit any of these reconstructed rebel States to resume their political relations with the Federal Government and our power over them as disorganized communities will cease.

They are now without the protection of our Constitution, placed there by their crimes deliberately perpetrated, and we can lawfully deal with them in any way that in our opinion the best interests and the safety of the country may demand. Therefore, before we conclude ourselves by any action in the premises, we should know that the political power in the State seeking recognition is confided exclusively to loyal hands, and that equal privileges and exact justice have been secured by law alike to all loyal citizens. I think I can safely say that Congress could not in the faithful discharge of its duties in relation to those districts recognize the political relations of any States organized therein to the Federal Government until the inhabitants thereof

give some evidence of their hatred of treason and of love for their country and its republican institutions, nor until rebel sentiments, rebel flags, rebel generals, rebel valor, rebel memories, and rebel debts are repudiated; nor until the love of justice, law, and order is so firmly ingrafted in the minds of the people as to give unquestioned assurance of an enduring peace.

Timid peace men who are afraid to do right for fear they might do wrong, and the apologists for traitors and rebels, insist that they have done enough to entitle them to be restored to their rights and privileges in the Union. Such men tell us that the rebels have laid down their arms, that they are disposed to acquiesce in the results of the war, and that they are willing to accept the situation. It is true, the rebels laid down their arms when they had no power to retain them any longer; that they are disposed to acquiesce in the results of the war, because they are powerless to do otherwise; and they are willing to accept the situation, because they have no option to refuse it. It is said that the rebels are disposed to be loyal, and are willing to return to their allegiance, but when they come they come in the interests of treason. Without authority of law, conventions were called to organize State governments in the rebellious districts; at the elections held to select delegates to these conventions nearly all the loyal people there were excluded from the polls, and candidates were voted for and elected because of their services in the armies of the rebellion, and of their assured fidelity to the cause of the traitors. In the constitutions they adopted, the political and nearly all the personal rights which this nation stands pledged to guaranty to its colored soldiers and its colored citizens—the only considerable portion of the inhabitants there that is or has recently been loyal to the Republic—are ignored; and standing armies and martial law are yet required to enforce national authority and to protect the loyal people against rebel violence and outrage. In violation of common decency and in contempt of law, these reconstructed rebels have, in many instances, elected as Representatives to this Congress, notorious, defiant rebels, whose infamous career in treachery and crime renders it impossible for them to take the oaths of office prescribed by law without committing perjury.

The allegiance they offer is not based upon a thorough and heartfelt repentance of their treason, nor does it arise from a patriotic devotion to their country, nor from a just pride in its glory and greatness and power. But it is offered in the hope that it will prove the means of affording them another opportunity to again betray the country, and, if possible, to effect its destruction.

Let no one suppose, that in expressing these views, I am opposed to the speedy restoration of the rebel States to their places as States in



the Union. I am as anxious as any one can be to see harmonious relations existing between every part of this country. I will allow no feelings of vengeance, or any memories of the past, to interpose to prevent the restoration of amicable relations between the Republic and the States lately in revolt. When the war of the rebellion is closed and peace is proclaimed; when the order establishing martial law in those States shall have been revoked and civil authority established; when loyal citizens from every part of the Republic are protected there by the civil law as distinguished from the military; when the leading traitors who sought the division of the Republic and the destruction of our Government are scorned and despised for their treason, and loyal men are honored and trusted for their fidelity to their country; when these States are organized in the interests of loyalty; when the rights of all citizens are alike protected by the law; when there is no exclusion of any from the ballot-box who may have borne or who are liable to bear arms in defense of our common country—in a word, when they come as loyal States, organized and controlled by loyal men, I shall be ready and willing to receive them into the sisterhood of States, without inquiring how or by what authority they were organized. But they will never come as loyal States so long as unrepentant rebels are permitted to control their political destiny and rule the loyal people there. "Conciliation and kindness" have ever been thrown away when bestowed upon rebels. "Extending confidence to them does not beget confidence in return."

The ordinary motives that govern human action have no application to the rebels. The demon of slavery has corrupted their natures, and they are no longer under human influences. In the war they prosecuted for the destruction of this Government, they disregarded all laws human and divine. Assassination and murder, arson and robbery, were recognized by them as legitimate modes of warfare. Who does not remember the massacre at Lawrence, where they surrounded at daybreak a peaceable town remote from the theater of actual hostilities, and murdered the citizens by hundreds in cold blood, and then sacked and burned the town? And the massacre at Fort Pillow, where the garrison, after having surrendered, were deliberately murdered, some of whom were crucified by nailing them to a cross, and were afterward, while alive, thrown into the flames of burning buildings? Or those still more cruel and heartless atrocities perpetrated at Salisbury, Andersonville, and Libby prisons, where our soldiers by thousands and tens of thousands were compelled to endure the lingering tortures of death by starvation and exposure to the elements? These were not the rash and inconsiderate acts of irresponsible subordinates in the confederate service; but they were the

deliberate and well-considered acts of the confederate government, and were authorized and permitted by the general officers in its armies; in many instances the same men who have reorganized the rebel States, and who now control them, and who are asking for them recognition as loyal States in the Union. They assert that they are loyal now, and as a proof of their loyalty they propose to swallow as many of what they facetiously term "our iron-clad oaths" as will satisfy us of the fact.

Bitter experiences in my State have taught the people there the impolicy of trusting to the loyalty of a rebel who offers no better evidence of conversion from treason to loyalty than can be found in the virtue of an "iron-clad" or any other oath.

The late President, whose excellent judgment was frequently warped by the kindness of his heart, fondly believed that a people whom civil war and rivers of blood had divided could, by merely being placed in juxtaposition, be reunited in bonds of amity and friendship, and he determined to try the experiment, and selected our State as the place for the trial.

By his amnesty proclamation, appended to his annual message to Congress in December, 1863, he had invited the rebel soldiers to lay down their arms and return to their homes, promising that they should be protected there on taking the oath prescribed in the proclamation. As the war had been conducted in Missouri with more than ordinary cruelty and outrage on the part of the rebels, those of them who availed themselves of the President's proclamation of amnesty were not received by the Union men on their return home with the utmost kindness; in fact it was dangerous in some localities for them to remain at home, even under the President's promise for their protection. When informed of this fact the President was very desirous that they should have the protection promised them. He therefore permitted the Union men, who at the risk of all that was near and dear to them had been for years, as soldiers under the Union flag, exposing themselves to the bullets of their rebel neighbors in the character of rebel soldiers, bushwhackers, and guerrillas, to be disarmed and the flag taken from them and given, with their arms, to their rebel neighbors who had taken the amnesty oath. When, in the name and on behalf of my outraged fellow-soldiers, I expostulated with him for allowing this great wrong to be committed, he replied that it was a necessity, that there must come a time when the rebels and the Union men would have to live together in harmony and on terms of friendship, when they would have to go to the same mill and the same post office, and to meet at the same ballot-box, and the sooner that time should come the easier it would be for them to resume friendly relations; that as the Union men were not disposed to give protection to

returning rebels, and in many instances were inclined to drive them off by force, it was prudent to disarm the Union men and thereby deprive them of the means of driving the amnestied rebels from their homes. But as such rebels were coming home at intervals and in comparatively small numbers, they would not probably be sufficiently strong to resist the Union men who, although disarmed, might be disposed to drive the rebels out of the country; therefore it was necessary to organize them as soldiers, arm them as such and place them under the protection of the national flag, where he believed the Union men dared not disturb them, and as they had laid down their arms and left the rebel armies, thereby manifesting a desire to live peaceably at home, there was no reason to believe that they would interfere with the Union men if they would behave themselves, and thus peace would be secured to all parties.

The theory was plausible and speaks well for the kindness of the heart that suggested it. But in practice it proved to be only another illustration of the folly of warming into life a poisonous snake, under the delusion that with returning strength its disposition to inflict injury and death would cease. It is hardly necessary to add that the experiment was a failure. The State government approved of the President's plan of arming the returned rebels and their sympathizers, and aided him in doing it. The rebels were thus virtually supported by the confederate, national, and State governments in their opposition to the Union men. In this condition of affairs but one alternative was left them. What they did in this crisis, or how it was done, are matters not necessary to be repeated here. Suffice it to say, that the State and its government are now in the possession of loyal men, and that every rebel and every rebel sympathizer within the State is permanently disfranchised by provisions in its constitution, and that peace, prosperity, and happiness dwell within her borders.

In dealing with the revolted States, let us profit by this experience, and let us also give practical application to the statements so frequently repeated, "that treason is a crime,"

"that none but loyal men must govern the country;" and "that rebels must take back seats;" to do this effectually, we must see that the disloyal are permanently disfranchised. There should be no understanding that their disabilities might be removed in the future; it is enough for them that they are permitted to live safely in a country, in which nearly every household to-day mourns the loss of some dear relative, whose death was occasioned by their infamous crimes. All loyal men in those States must be enfranchised without regard to color. Those races who bear arms to defend a Republic must be allowed to participate in its Government.

A military necessity required us to emancipate the negro and accept his services as a soldier that the Republic might be saved. We all remember when victory after victory was crowning the rebel armies on almost every battle-field and the armies of the Republic were ingloriously retiring before the advancing banners of rebellion, that national peril compelled us to proclaim the freedom of the slave and call him to our aid. Before the ranks of our armies had been swelled by two hundred thousand of these colored soldiers the tide of victory was changed, the rebel armies suffered defeat after defeat in rapid succession until they were finally dispersed and the war ended. The services of our soldiers are no longer required to defend the country; it now becomes a political necessity to preserve the fruits of our victories and to secure a permanent peace that we confide the ballot to the hands of all our loyal citizens before we take from them as soldiers the implements of war.

The bullet is the freeman's only safety in this country when he is deprived of the ballot. The ballot and peace or the bullet and war are the alternatives between which the Republic must choose.

In conclusion permit me to say that in all our action relating to the restoration of the Union of these States we should carefully avoid all compromises with wrong, oppression, and injustice. We should resolve to stand firmly by the right, and when the Union is reorganized let it be on the basis of universal freedom and universal suffrage for all loyal men.



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